



भारत का राजपत्र

The Gazette of India

प्राकाशन

EXTRAORDINARY

भाग II—खण्ड 2
PART II—Section 2

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 53] नई विलासी, मंगलवार, भारत १८, १९९२/श्रावण २७, १९१४

No. 53] NEW DELHI, TUESDAY, AUGUST 18, 1992/SAVANA 27, 1914

इस भाग में चिन्ह पृष्ठ संख्या वाली जाती है जिससे कि यह प्रत्येक संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed
as a separate compilation

RAJYA SABHA

The following Bill was introduced in the Rajya Sabha on the 18th August, 1992:—

BILL NO. LVIII OF 1992.

A Bill further to amend the Cinematography Act, 1952.

Be it enacted by Parliament in the Forty-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Cinematograph (Amendment) Act, 1992.

Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of section 3.

2. In the Cinematograph Act, 1952 (hereinafter referred to as the principal Act), in section 3, in sub-section (1), for the words "twenty-five", the words "thirty-five" shall be substituted.

Amendment of section 5C.

3. In section 5C of the principal Act, in sub-section (2), for the words "one thousand", the words "five thousand" shall be substituted.

Amendment of section 5E.

4. In section 5E of the principal Act, in sub-section (1),—
(a) in clause (ii), for the word "thereunder", the words "thereunder; or" shall be substituted;

(b) after clause (ii), the following clause shall be inserted, namely:—

“(iii) the certificate has been obtained by fraud or misrepresentation as to an essential fact”.

5. After section 5F of the principal Act, the following section shall be inserted, namely:—

“5G. (1) No person who undertakes the processing of a film shall—

(a) issue to any person any copy of the film [except one copy to a person applying for a certificate under sub-section (1) of section 4] until a certificate is granted; or

(b) make a duplicate print or a video copy of an imported film until a certificate is granted.

(2) A person who undertakes the processing of a film shall, soon after the completion of processing of the film and before the grant of a certificate, inform the Board about the number of copies made of such film.”.

6. In section 7 of the principal Act, in sub-section (1),—

(i) in clause (c), for the word, figure and letter “section 6A”, the words, figures and letters “section 5G or section 6A” shall be substituted;

(ii) in the long paragraph, for the words “three years, or with fine which may extend to one lakh rupees”, the words “five years, or with fine which may extend to five lakh rupees” shall be substituted;

(iii) for the first and second provisos, the following provisos shall be substituted, namely:—

“Provided that a person who exhibits or permits to be exhibited in any place a film in contravention of the provisions of sub-clause (i) of clause (a) shall be punishable—

(a) with imprisonment for a term which shall not be less than three months, but which may extend to five years and with fine which shall not be less than fifty thousand rupees, but which may extend to five lakh rupees, and in the case of a continuing offence with a further fine which may extend to twenty thousand rupees for each day during which the offence continues;

(b) in case the film is interpolated with a blue film or any portion thereof, notwithstanding anything contained in clause (a), with imprisonment for a term which shall not be less than six months but which may extend to five years and with fine which shall not be less than one lakh rupees but which may extend to five lakh rupees and in the case of a continuing offence with a further fine which may extend to twenty thousand rupees for each day during which the offence continues:

Insertion
of new
section
5G.

Certain
respon-
sibilities of
film
proces-
sors.

Amend-
ment of
section
7.

Provided further that a court may, for adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment of less than three months or, as the case may be, six months or a fine of less than fifty thousand rupees or, as the case may be, one lakh rupees.”.

7. In section 7A of the principal Act,—

Amend-
ment of
section 7A.

(a) in sub-section (1), for the words “any police officer”, the words “any police officer or regional officer” shall be substituted;

(b) after sub-section (1), the following sub-section shall be inserted, namely:—

“(1A) Where the print of a film, being an interpolated film, has been seized under sub-section (1), the person who has been granted a certificate or any other person to whom the rights in the film have passed, or both, shall get all other prints of such film verified by the Board within such period as may be specified by the Board.”;

(c) after sub-section (2), the following sub-section shall be inserted, namely:—

“(3) Where a print of a film has been seized by a regional officer, he shall hand it over along with the relevant papers to the nearest police station.”.

STATEMENT OF OBJECTS AND REASONS

The Cinematograph Act, 1952 was enacted to make provision for the certification of cinematograph films for exhibition. There has been frequent criticism that films which are being exhibited contain scenes of excessive violence and unrelated sex. There have also been complaints that films are being exhibited with interpolations. Requests from various quarters have been received by Government to re-examine the existing provisions of the Act and for providing for stringent sanctions for the violation of the provisions of the Act. Government has examined the whole matter and proposes to amend the Act with a view to making the Act more effective.

2. The more important of the proposed amendments are:—

(a) It is proposed to increase the maximum number of members of the Board of Film Certification from 25 to 35;

(b) It is proposed to make a provision for the suspension or revocation of censorship certificate in proven cases of fraud or misrepresentation as to an essential fact;

(c) It is proposed to insert a new section 5G to provide that the film processors shall undertake the job of film processing in the manner provided in that section;

(d) It is proposed to amend section 7 to enhance the punishments provided for the violation of the provisions of the Act. Section 7A is also being amended to authorise the Regional Officers to make search and seizure.

3. The Bill seeks to achieve the above objects and to make certain other minor amendments of drafting nature.

AJIT KUMAR PANJA.